

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

August 21, 2008



Planning Variance PV08-31: Craig Brown

CASE DESCRIPTION: a request for approval of a 5-foot variance to the 25-foot front building setback generally required on residential lots

LOCATION: 3100 block of Broadmoor Drive between Braeburn Street and Lochinvar Lane

LEGAL DESCRIPTION: Lots 10A-R, 11A and 11B in Block 1 of Briarcrest West Subdivision – Phase 1

EXISTING LAND USE: vacant lots

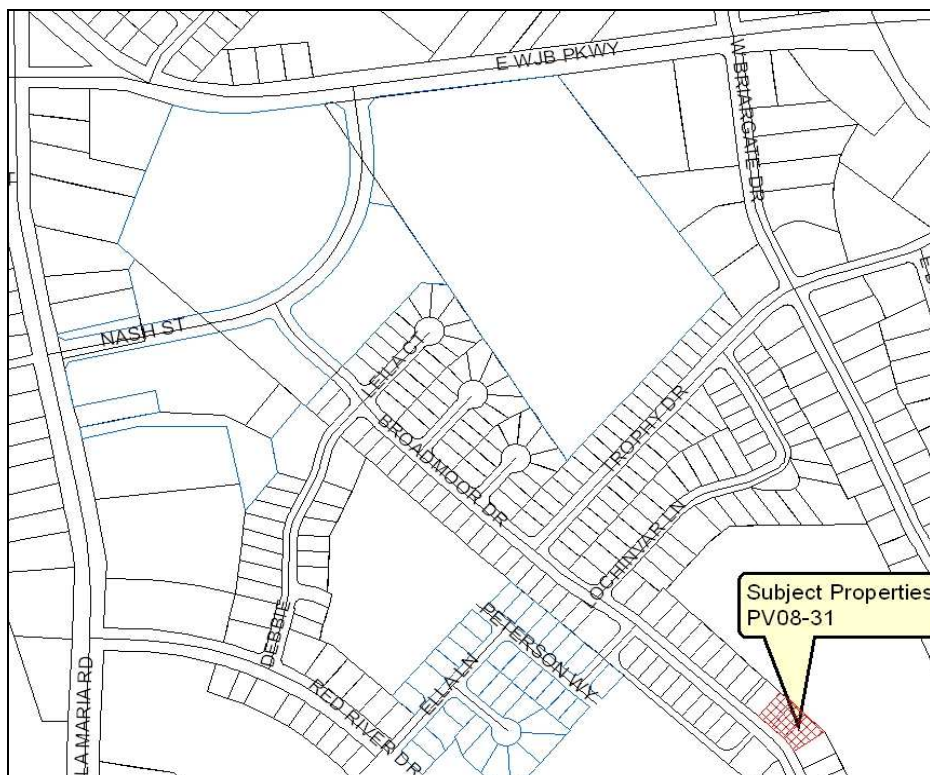
ZONING: Residential District 5000 (RD-5)

APPLICANT(S): Craig Brown

STAFF CONTACT: Randy Haynes, Staff Planner

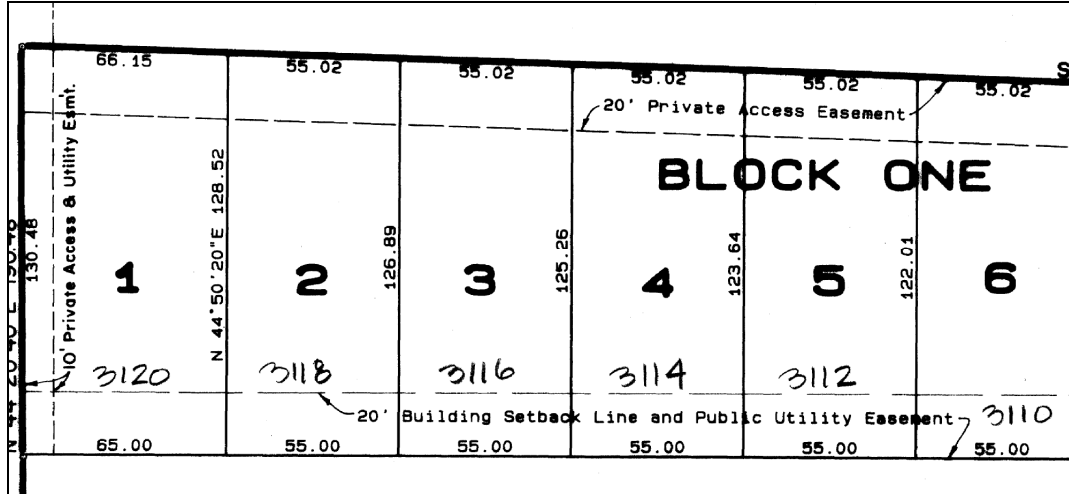
SUMMARY RECOMMENDATION: Staff recommends **approving** this request for variance.

LOCATION MAP:



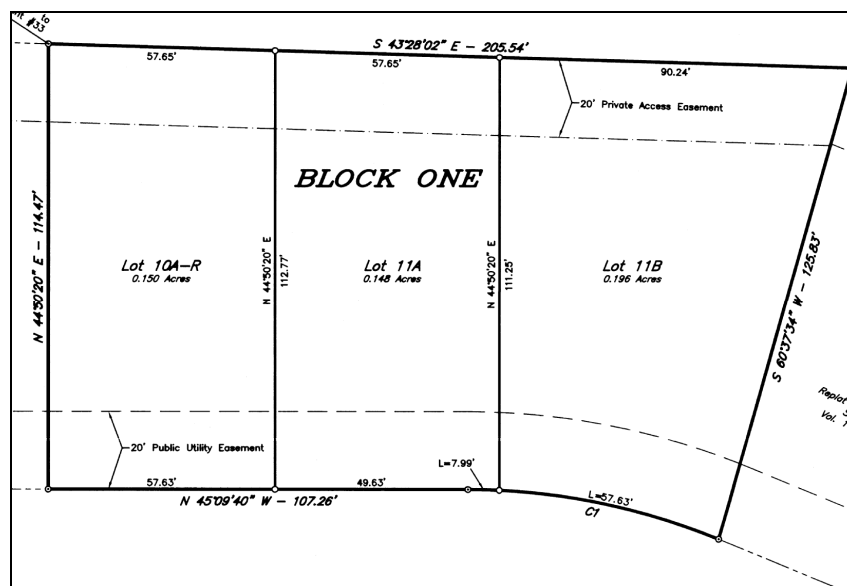
BACKGROUND:

The applicant is requesting a variance from the minimum 25-foot front building setback requirement for three lots adjoining the north side of Broadmoor Drive. Originally platted in 1989 by W.C. Davis and Dr. R.H. Harrison, Briarcrest West – Phase 1 was designed for patio home construction. In 1991, the developers amended the original subdivision plat to remove the zero lot line design feature, requiring then city standard minimum 5-foot side building setbacks. However, both the original and the amending plat specified a minimum 20-foot front building setback.

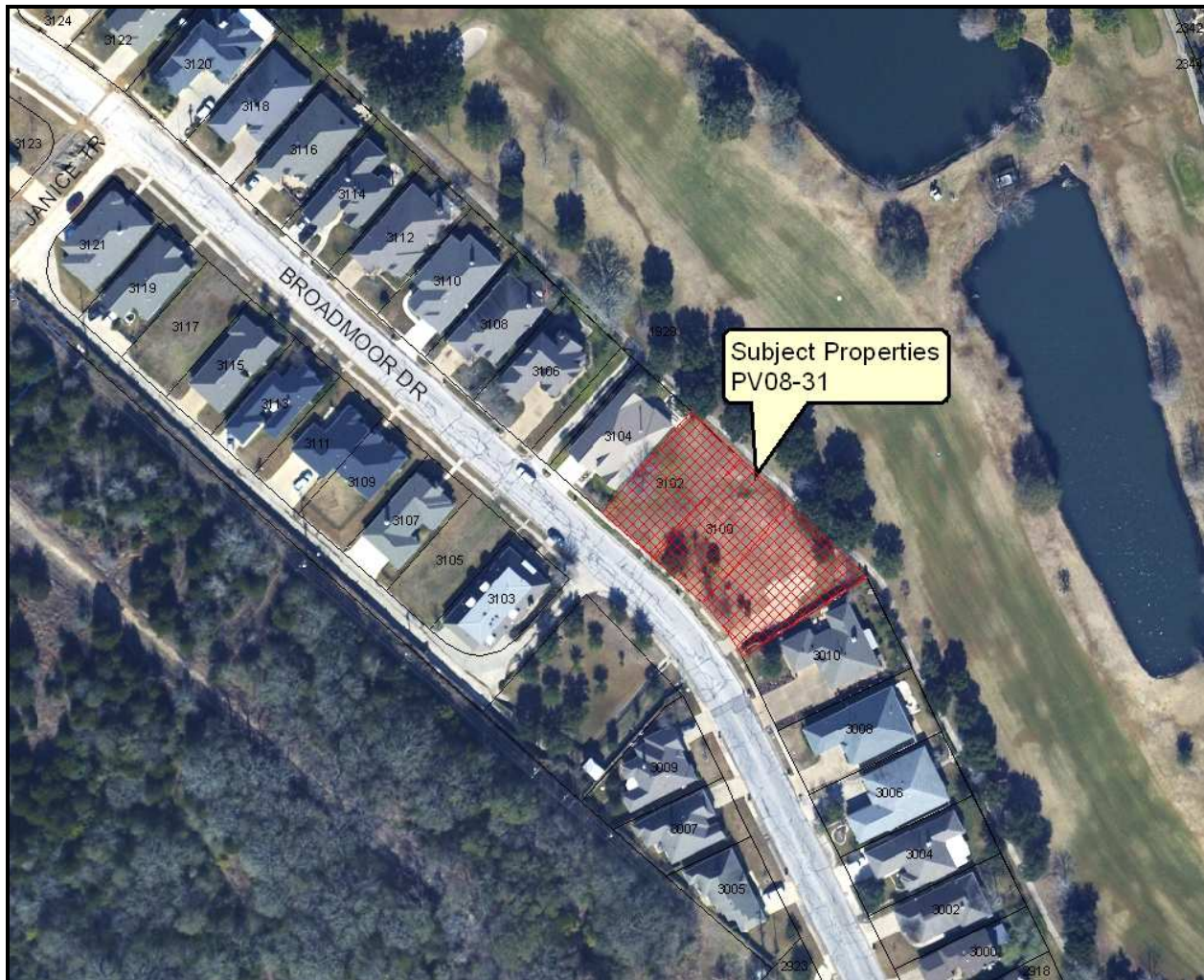


excerpt from the original Briarcrest West Subdivision – Phase I (1989)

Since 1989, most of Block One of Briarcrest West – Phase I has been developed with single-family homes. However, these three subject properties are presently vacant. At one time a house occupied two of the subject lots but it was destroyed by fire several years ago. The applicant is requesting the subject variance to be able to construct houses situated similar to those on the rest of the block, i.e., within 20 feet of the front property line.



current configuration of subject properties



Street View

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variances will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

If the requested variance is granted, the current development pattern along this street will be allowed to continue. Staff finds that granting the requested variance will have no detrimental effect on public health, safety and welfare nor will it be injurious to area properties. New residences on the subject property would align with other residences on the same block face.

2. That the granting of the variances will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

The abutting properties have been developed observing a 20-foot front building setback. Staff finds that granting the requested variances will have no detrimental effect on public health, safety and welfare nor will it be injurious to abutting properties.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Denial of the variance will prevent the owners from building houses similar to others in the block. Staff finds that hardship imposed on the applicant by requiring compliance with the existing standards outweigh the benefits derived by the general public through compliance with the requirements of this chapter. In addition, staff cannot identify any significant benefit to the public that observing a minimum 25-foot front building setback would provide in this particular case.

RECOMMENDATION:

Based on these considerations, staff recommends **approving** this request for variance.